IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.M.No.3899-C of 2006 and
RSA.No.1540 of 2006

DATE OF ORDER: 19.1.2007

State of Haryana and Others

...Petitioner(s)

Versus

Beg Raj Goel

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. K.C. Gupta, AAG, Haryana.

Mr. R.K. Jain, Advocate.

M.M. AGGARWAL,J

Reply on behalf of the respondent on the application for condonation of delay has been filed.

This appeal had been filed by the State of Haryana after prescribed period of limitation. There had been delay of 77 days in filing the appeal.

The facts of the case are that Beg Raj respondent had filed a suit for declaration for grant of pensionary benefits based on proportionate pension on the basis of the service, rendered by him at the time of his resignation and for other retiral benefits. That suit was decreed on

6.11.2004 by Additional Civil Judge(Sr.Divn.), Narnaul. It was held that plaintiff, now respondent was entitled to pension based upon proportionate pension on the basis of services rendered by him. Arrears of 38 months prior to the filing of suit were also allowed with interest @ 10% per annum on the arrears. However, request for other retiral benefits was declined.

Both the parties filed appeals, which were dismissed by the District Judge, Narnaul on 19.10.2005. Then State had filed the present Regular Second Appeal.

On behalf of the appellant, it is argued that respondent-plaintiff did not render 20 years of service, which was required for the purpose of pension. It is argued that suit was filed after 26 years of the retirement by the plaintiff, now respondent.

Both the courts below have held that if the employee has completed more than 10 years of service before resigning on domestic reasons, he is entitled to pension. In this case, employee had completed 19 years of service when he resigned due to domestic reason.

Pension is a recurring right. If the plaintiff, now respondent filed the suit after delay, then the arrears of only 38 months prior to the filing of the suit had been allowed. No law point is involved, therefore, delay is not condoned.

No merit. Dismissed.

January 19, 2007 (M.M. AGGARWAL)
manoj JUDGE